

ITEM NO. 5+56

Court No.5

SECTION PIL

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S. PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay)

WITH T.P. (C) NO. 47-48 of 2013

(With appln(s) for stay and office report)

(Appln. for deletion of the name of petitioner no. 1)

T.P. (C) NO. 476 of 2013

(With appln(s) for stay and office report)

W.P. (C) NO. 829 of 2013

(With appln(s) for interim relief and office report)

Date: 23/05/2013 These Petitions were called on for hearing
today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE S.A. BOBBE

For Petitioner(s)

Mr. Anil B. Divan, Sr. Adv.
Mr. Ankit Goel, Adv.
Mr. Ranvir Singh, Adv.
Mr. Sanjay Yadav, Adv.
Mr. Anish Kumar Gupta, Adv.
Ms. Deepshikha Bharati, Adv.
Mr. S.S. Shamshery, Adv.
Mr. Rajeev Kr. Singh, Adv.
Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poonguntran, Adv.
Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Meenakshi Chauhan, Adv.
Mr. Varun Singh, Adv.
Mr. Gaurav Naik, Adv.
M/s. K.J. John & Co.

for
For Respondent(s)

Mr. Mohan Parasaran, SG
Mr. L. Nagashwar Rao, ASG
Mr. Farrukh Rasheed, Adv.
Mr. Alok Mishra, Adv.
Mr. D.S. Mahra, Adv

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By [Signature]

राजन अग्रवाल/RAJAN AGARWAL
अधिकारी/Section Officer
प्रधान नियन्त्रक अधीनस्थ
Electron Commission of India
संसद भवन - HC फराही-110001
वानको रोड, नई दिल्ली-110001

ITEM NO. 301

COURT NO. 5

Annexure - R/4
SECTION RIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 494/2012

JUSTICE K. S. PUTTASWAMY (RETD) & ANR.

Partionar(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay, impeachment, clarification/modification of Court's order, intervention, directions, permission to file additional documents, permission to file additional affidavit and office report)
(For Final Disposal)

WITH

T.C. (C) No. 151/2013

(With appln.(s) for impleadment as party respondent and appln.(s) for modification of court's order)

T.C. (C) No. 152/2013

W.P. (G) No. 829/2013

(With appln. (s) for impleadment and impleadment/directions and interim relief and office report)

W.P. (C) No. 833/2013

(With appln.(s) for directions and appln.(s) for impleadment and
appln.(s) for impleadment and appln.(s) for permission to file
additional documents and Office Report)

W.P. (C) No. 932/2013

(With appln.(s) for directions and appln.(s) for interim directions and Office Report)

T.P. (C) No. 312/2014

T.P. (C) No. 313/2014

W.P.(C) No. 37/2015

Date : 16/03/2015 These matters were called on for hearing today.

Date : 16/03/2015 These matters were called on for hearing today.

118

प्रिया नं. ३, नॉ. १५
अमृता नगर
काशीनगर
फिल्डर एन्ड सन्स ऑफ इंडिया
अमृता नं. १५ टिल्ली-११०००१
Ashoka Road, N. Delhi-110001

Mr. B.K. Prasad, Adv.
Mr. D.S. Mahra, Adv.

Mr. Prasanna S., Adv.

Mr. Gopal Singh, Adv.

Mr. Rituraj Biswas, Adv.

Ms. Rashmi Srivastava, Adv.
Mr. Shubham Rai, Adv.

Mr. Shubra Rai, A.I.V.

Mr. Jayant Bhushan, S.E. Adv.
Mr. Kuldip Singh Parikh, Adv.

Mr. Kuldip S. Patilkar, Adv.

RE: B.S. ~~Examination~~, etc.

State of Uttarakhand Mr. Pankaj Bhatia, Adv.
Mr. Dushyant Kumar, Adv.
Mr. Vivek Choudhary, Adv.
Mr. Jatinder Kumar Bhatia, Adv.

Mr. Sumit Atrey, Adv.

Ms. Priyadarshi Banerjee, Adv.

Mr. Ankur Saigal, Adv.

Mr. R.C. Agarwala, Adv.

State of Telangana Mr. S. Udaya Kumar Sagar, Adv.
Mr. Krishna Kumar Singh, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.
Ms. Jagal Wahi, Adv.
Ms. Puja Singh, Adv.

State of Jharkhand Mr. Tapash Kumar Singh, Adv.
Mr. Kumar Anurag Singh, Adv.
Mr. Mohd. Waquas, Adv.

Govt. of Puducherry Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

ELI Mr. Mohit Ram, Adv.
- Ms. Monisha Handa, Adv.
Mr. Neeraj Kumar, Adv.

State of Assam Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
M/s. Corporate Law Group

State of WB Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anup Sachthey, Adv.

2025 RELEASE UNDER E.O. 14176

Mr. Gopal Sankaranarayanan, Adv.
Ms. Savita Singh, Ad.
Mr. Prashant, Adv.

State of TN Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Ms. R. Shase, Adv.

State of Bihar Mr. Abhinav Mukarji, Adv.

UT Chandigarh Ms. Vimla Sinha, Adv.
Mr. Gopal Singh, Adv.

Mr. Amit Sharma, Adv.
Mr. Dipesh Sinha, Adv.

Beghar Foundation Mr. Saikrishna Rajagopal, Adv.
Mr. Juhu George, Adv.
Mr. Arjun Ranganathan, Adv.

Mr. Nikhil Nayyar,Adv.

Mr. Kamal Mohan Gupta, Adv.

Ms. C. K. Sucharita, Adv.

Mr. Mishra Saurabh, Adv

Mr. Gazvash Kabra, Adv.

Mr. T. G. Narayanan Nair, Adv.

Ms. Anitha Shenoy, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The matters require considerable time for hearing. Therefore, we direct the matters to be listed for hearing in the second week of July, 2015 after obtaining appropriate orders from Hon'ble the Chief Justice of India.

In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

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ITEM NO. 57

COURT NO. 4

SECTION II A _____

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).2524/2014

(From the judgement and order dated 26/02/2014 in CRLWP No.10/2014, of The HIGH COURT OF BOMBAY AT PANAJI)

UNIQUE IDENTIFICATION AUTH. OF INDIA & ANR Petitioner(s)
VERSUS
CENTRAL BUREAU OF INVESTIGATION Respondent(s)

(With appln. for exemption from filing c/c of the impugned Judgment and office report)

Date: 26/03/2014 This Petition was called on for hearing today.

COQUETTE

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Mohan Parasarani, SG
Mr. Rakash Khanna, ASG
Mr. Zoham Hossain, Adv.
Mr. Alok Mishra, Adv.
Mr. D.S. Mahra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Issue notice.

In addition to normal mode of service, distant service, is permitted.

- Operation of the impugned order shall remain stayed.

In the meanwhile, the present petitioner is restrained from transferring any biometric information of any person who has been allotted the Aadhaar number to any other agency without his consent in writing.

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शासन अधिकार, N.A., P.O. - १०८
अनुसार अधिकारी, - *Shastri*
भारत ११०००१, दिल्ली १०८
Electon, N.A., P.O. - १०८
अशोक रोड, नई दिल्ली १०८
Ashoka Road, N. Delhi-108

Note on Aadhaar Feeding

- With an objective of bringing an error free and authenticated electoral roll, the Commission launched a nation-wide comprehensive programme, namely, National Electoral Roll Purification and Authentication Programme (NERPAP) on 03.03.2015.
- The programme was to be completed by 15.08.2015.
- Major objectives of NERPAP
 - ✓ Linking and authentication of EPIC data of electors with Aadhaar data, mobile number and e-mail ID.
 - ✓ Voluntary disclosure of multiple entries in electoral roll.
 - ✓ Corrections of errors in electoral roll or EPIC.
 - ✓ Improvement of image quality.
- During the programme, the electors were being given facility to feed their Aadhaar number, in addition to mobile number and e-mail ID and EPIC number through the following methods:-
 - ✓ National Voters Service Portal (NVSP) using web services through Election Commission website i.e. <http://eci.gov.in>.
 - ✓ SMS to '51969'
 - ✓ By making a call at '1950' to State call centres.
 - ✓ By submitting the details of Aadhaar number, mobile number and e-mail ID and EPIC number in a hard copy.
- Apart from the above, collection and feeding of Aadhaar was also being done by Electoral Registration Officers through door-to-door survey by BLOs.
- Linking of electors' data with Aadhaar was main component of NERPAP but the programme was basically for the purpose of cleansing the electoral roll from all multiple entries, errors, and also for improvement of existing photos of electors.
- Besides, collection / feeding of Aadhaar in addition to mobile number / e-mail ID was being done for the purpose of providing election related services and facilitation of citizens.

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Kiran Singh

राजन रामनगर, जल
जनपद अधिकारी/Section Officer
भारत निकाय आयोग
Election Commission of India
अधिकारी वर्ष: १३ दिसंबर २००१
असोका रोड, नई दिल्ली-११०००१
Assoka Road, N. Delhi-110001

TRUE COPY

Rajan Agarwal
राजन अग्रवाल/RAJAN AGARWAL
मुख्य नियमन अधिकारी/Chief Election Officer
मानव संस्करण संचालन
Election Commission of India
मुख्यालय/Head Office
110001
Ashoka Road, New Delhi

- The Commission, in pursuance of the Supreme Court's interim directions (dated 23.09.2013) on sharing of Aadhaar data, already issued instructions to the Chief Electoral Officers of all States clarifying that furnishing of Aadhaar number was mandatory but was optional. It was also made clear that non furnishing of Aadhaar number would not be a ground for rejection of any application. The applicants were being requested to give this information in their own interest to ensure defect free electoral roll and for incorporation of correct data of electors in the rolls.
- Activities relating to Aadhaar collection and feeding all over the country were going on intensively. The Commission held several rounds of meeting with CEOs to review progress of programme till the time Supreme Court made an interim Order in Writ Petition (Civil) No. 494 of 2012 (Justice K.S. Puttaswamy (Retd) & Another v/s Union of India & Others) on 11.08.2015. By the time, the all India percentage of Aadhaar collection and Aadhaar feeding was 50% (34,61,53,358) and 38% (26,01,24,592) respectively.
- The Supreme Court stated that till the matter is finally decided by a larger Bench Union of India or UIDAI to proceed in the following manner:-
 - ✓ The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card.
 - ✓ The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen.
 - ✓ The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme.
 - ✓ The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.
- The Supreme Court's Order was examined and the file was submitted for the Commission's consideration. As per the Commission's decision, the CEOs have been

More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith.

Tag and list the matter with main matter i.e.
WP(C) No.494/2012.

[Usha Bhardwaj]
A.R.-cum-P.S.

[M.S. Negi]
Assistant Registrar

राजन अग्रवाल/RAJAN AGRAWAL
अमृता अधिकारी/Section Officer
मतदाता नियायिक आयोग
Election Commission of India
अशोक रोड, नई दिल्ली-110001
Ashoka Road, N. Delhi-110001

TRUE COPY
Rajan Agarwal

6 Trs. (6py)

Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23rd September, 2013.

Pleadings be completed before the end of April, 2015.

All the parties are at liberty to file any further affidavit or documents, if they so wish.

(DEEPAK MANSUKHANI)
COURT MASTER

(TAPAN KR. CHAKRABORTY)
COURT MASTER

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Deepti

Deepti Mansukhani
Deputy Court Master
Court of the Hon'ble High Court
of the State of Bihar
Santosh Nagar, Patna-800001
Ashoka Puram, Patna-800001

State of Nagaland Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. Balaji Srinivasan, Adv.

State of HP Mr. J.S. Attri, Sr. Adv.
Mr. Varinder Kumar Sharma, Adv.
Mr. Sumeet Prakash, Adv.

State of Maharashtra Ms. Asha Gopalan Nair, Adv.
Mr. A.P. Mayne, Adv.
Mr. A. Salvin Raja, Adv.

A&N Administration Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

State of Sikkim Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. K. Vijay Kumar, Adv.
M/s Arputham Aruna & Co., Adv.

State of Goa Mr. Ninad Laud, Adv.
Mr. Karan Mathur, Adv.
Mr. Jayant Mohan, Adv.

State of Manipur Mr. Sapam Biswajit Meitei, Adv.
Mr. Z.H. Isaac Haiding, Adv.
Mr. Ashok Kumar Singh, Adv.

State of Rajasthan Mr. Shiv Mangal Sharma, Adv.
Mr. Shrey Kapoor, Adv.
Ms. Ruchi Kohli, Adv.

State of HP Mr. Suryanarayana Singh, AAG
Ms. Pragati Meekhra, Adv.

State of Punjab Mr. Sanchar Anand, Adv.
Mr. Apoorv Singh, Adv.

State of Kerala Mr. Jogy Scaria, Adv.
Mr. R.S. Bad, Adv.

State of Mizoram Mr. K.N. Madhusoodhanam, Adv.
Mr. T.G.N. Nair, Adv.

TRUE COPY
Rajan
NCT of Delhi Mr. J.M. Kalia, Adv.

State of Haryana Mr. B.K. Satija, AAG

IA Sod. 2014 in Mr. Summit Attri, Adv.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S.A. BOBBE
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. Gopal Subramaniam, Sr. Adv.
Ms. Aishwarya Bhati, Adv.
Mr. Talha Abdul Rahman, Adv.
Ms. Neha Meena, Adv.
Ms. Anusha Ramesh, Adv.
Ms. Sadhana Saxena, Adv.

Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Ms. Supriya Jain, Adv.
Mr. Gaurav Nair, Adv.
Ms. Niharika, Adv.

For M/s. K.J. John & Co.

Ms. Meenakshi Arora, Sr. Adv.
Mr. Rahul Narayan, Adv.
Mr. Mohit Singh, Adv.

Mr. Abhishek Atrey, Adv.

Ms. V. Mohana, Adv.
Mr. B. Raghunath, Adv.
Mr. Vijay Kumar, Adv.

Ms. Geeta Kovilam, Adv.
Mr. P.V. Kovilam, Adv.

Mr. Ankit Goal, Adv.
Mr. Sanjay Yadav, Adv.
for Mr. Anish Kumar Gupta, Adv.

Mr. Amit Meharia, Adv.
Mr. Tannishtha Singh, Adv.
For M/s. Meharia & Company

For Respondent(s)

ONE COPY
FOR
1. Mr. Ranjit Kumar, SG
2. Mr. Maninder Singh, ASG
3. Mr. Ajay Sharma, Adv.
4. Ms. Binu Tamta, Adv.
5. Ms. Meenakshi Grover, Adv.
6. Mr. Zeheb Bessain, Adv.

-2-

UPON hearing counsel the Court made the following
O R D E R

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no. 1 in T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are allowed in terms of the signed order.

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Adhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Adhaar Card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant.

(DEEPAK KANSUKHANI) (M.S. NEGI)
Court Master Court Master
(Signed order is placed on the file)

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Rajan Agarwal

राजन अग्रवाल/RAJAN AGARWAL
अधिकारी अधिकारी/Deputy Officer
भारत निर्वाचन आयोग
Election Commission of India
अशोक रोड, नई दिल्ली 110001
Ashoka Road, N. Delhi-110001

53. Promotional services Institutions and programme (Trade Related Entrepreneurship)

Assistance and Development (TREAD) Scheme for Women)

54. Rajiv Gandhi national fellowship

55. Scholarship to the Children of beedi workers.

56. Scholarship to Universities/ college students.

57. Special cash awards (including Rajiv Gandhi Khel Ratna Award)

58. Special Scholarship Scheme for North Eastern Region (Ishan Uday Scheme)

59. Stipend to children in the special schools under the Child Labour project (NCLP)

60. Stipend to trainees under the scheme of welfare of SC/ST job seekers through Coaching,

Guidance and Vocational Training.

61. Swachh Bharat Gramin (earlier known as Nirmal Bharat Abhiyan)

62. Top Class Education Scheme.

63. UGC National Eligibility Test -JRF

64. Upgradation of merit of SC Students.

6-Time (Copy)

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Rajan Agarwal

राजन अग्रवाल/RAJAN AGARWAL
अनुभाग अधिकारी/Section Officer
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